

TABLE 5

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED OR
SUSPENDED/EXPELLED FOR MORE THAN 10 DAYS

2001-2002 School Year

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0621. The time required to complete this information collection is estimated to average 9.75 hours per LEA and 40 hours per State response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Special Education Programs, U.S. Department of Education, 600 Independence Avenue, SW, Washington, D.C. 20202.

Instructions

Authorization: 20 U.S.C. 1418(a)(1)(A)(vii).

Due Date: **November 1, 2002**

Sampling Allowed: No

Send Form to: Patricia J. Guard, Acting Director
Office of Special Education Programs
State Data Reports
Program Support Services Group
Mail Stop 2642
400 Maryland Avenue, SW
Washington, D.C. 20202-2642
Attn: Cheryl Broady

General Instructions

1. Counts should cover the entire school year.
2. Children should be reported (1) by disability and (2) by race/ethnicity.
3. Include children ages 3-21. Age should be determined as of the child count date of the relevant school year.
4. No sampling is permitted for this data collection.

Selected Definitions (See OSEP Data Dictionary for Additional Definitions)

Interim Alternative Educational Setting – An appropriate setting determined by the child’s IEP team in which the child is placed for no more than 45 days. This setting enables the child to continue to progress in the general curriculum; to continue to receive the services and modifications, including those described in the child's current IEP; and to meet the goals set out in the IEP. Setting includes services and modifications to address the problem behavior and to prevent the behavior from recurring.

Unilateral Removal – Instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 days. **The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student’s placement.**

Drug Offenses – The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. §812. These offenses do not include **use, possession, sale, or solicitation of** alcohol or tobacco.

Dangerous Weapon – A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does not include a pocket knife with a blade of less than 2½ inches in length (18 U.S.C. §930).

Removal by a Hearing Officer – Those instances in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 days based on the hearing officer’s determination that the public agency has demonstrated by substantial evidence that maintaining the child’s current placement is substantially likely to result in injury to the child and youth, or others.

Specific Instructions, Section A

In Section A, information is reported by disability category. In columns 1, 2, and 3, States *must* report the number of children in each column by disability category.

In column 1A, provide an *unduplicated* count of children ages 3-21 who were unilaterally removed for drug or weapons offenses (as defined above) by school personnel (not the IEP team) from their current educational placement to an interim alternative educational setting (determined by the IEP team).

In column 1B, report the total number of times children ages 3-21 were unilaterally removed for drug offenses, as defined above. In column 1C, report the total number of times children ages 3-21 were unilaterally removed for weapons offenses, as defined above. A child may be counted more than once in columns 1B and 1C.

In column 2, report the total number of children ages 3-21, who were removed to an interim alternative educational setting based on a hearing officer determination of likely injury. Provide an unduplicated count of children removed by a hearing officer.

In column 3A, provide an *unduplicated* count of children ages 3-21 who were suspended or expelled for more than 10 days during the school year for any offense or combination of offenses. Include only out-of-school suspensions.

In column 3B, report the number of times children ages 3-21 were subject to a single suspension/expulsion of more than 10 days. A child may be counted more than once in column 3B. In column 3C, report the number of children ages 3-21 who were subject to multiple short-term suspensions summing to more than 10 days. A child may be counted only once in column 3C. Include only out-of-school suspensions.

The child counts for columns 1A and 3A are unduplicated within each of those columns. Each child counted in columns 1B and/or 1C should be counted once, and only once, in column 1A. Similarly, each child counted in columns 3B and/or 3C should be counted once, and only once, in column 3A.

Specific Instructions, Section B

The columns found in Section A are repeated in Section B. In Section B, however, data are reported by race/ethnicity categories. States *must* report the number of children in each column by race/ethnicity.

The race/ethnicity categories are defined as follows:

American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.
Asian or Pacific Islander	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
Black (not Hispanic)	A person having origins in any of the Black racial groups of Africa.
Hispanic	A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
White (not Hispanic)	A person having origins in any of the original peoples of Europe, North Africa or the Middle East.
Total	The unduplicated total across the race/ethnicity designations.

Note that children can only be reported in *one* race/ethnicity category.

Specific Instructions, Sections A and B

In Sections A and B, the number reported in each line of column 1A should be less than or equal to the sum of each line of columns 1B and 1C. The number reported in each line of column 3A should be less than or equal to the sum of each line of columns 3B or 3C. The number reported in each column in line 14 of Section A should equal the number reported in the corresponding column in line 6 of Section B.

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
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FORM EXPIRES:

TABLE 5, SECTION A

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE
EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED: SCHOOL YEAR 2001-2002

STATE: _____

Section A

Children with Disabilities Ages 3-21	1. Number of Children Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs and Weapons			2. Number of Children Removed to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Number of Children Suspended or Expelled > 10 Days and Number of Suspension/Expulsions ¹		
Disability	A. Unduplicated Count of Children	B. Number of Unilateral Removals by School Personnel for Drugs	C. Number of Unilateral Removals by School Personnel for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/Expulsions > 10 Days	C. Number of Children with Multiple Suspension/Expulsions Summing to > 10 Days
1. Mental Retardation							
2. Hearing Impairments							
3. Speech or Language Impairments							
4. Visual Impairments							
5. Emotional Disturbance							
6. Orthopedic Impairments							
7. Other Health Impairments							
8. Specific Learning Disabilities							
9. Deaf-Blindness							
10. Multiple Disabilities							
11. Autism							
12. Traumatic Brain Injury							
13. Developmental Delay ²							
14. Total							

¹Include only out-of-school suspensions.²States must have defined and established eligibility criteria for developmental delay in order to use this category for reporting.

ORIGINAL SUBMISSION/REVISION

CURRENT DATE: _____

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FORM EXPIRES:

TABLE 5, SECTION B

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE
EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED: SCHOOL YEAR 2001-2002

STATE: _____

Section B

Children with Disabilities Ages 3-21	1. Number of Children Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs and Weapons			2. Number of Children Removed to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Number of Children Suspended or Expelled > 10 Days and Number of Suspension/Expulsions ¹		
Race/Ethnicity	A. Unduplicated Count of Children	B. Number of Unilateral Removals by School Personnel for Drugs	C. Number of Unilateral Removals by School Personnel for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/Expulsions > 10 Days	C. Number of Children with Multiple Suspension/Expulsions Summing to > 10 Days
1. White, non-Hispanic							
2. Black, non-Hispanic							
3. Hispanic							
4. Asian/Pacific Islander							
5. Native American							
6. Total							

¹Include only out-of-school suspensions.

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